

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLES C. MILLER, )  
Petitioner, ) CASE NO. C05-735JCC-MJB  
v. ) (CR97-51JCC)  
UNITED STATES OF AMERICA, ) ORDER DISMISSING MOTION  
Respondent. ) UNDER 28 U.S.C. § 2255

The Court, having reviewed petitioner's § 2255 motion, the Report and Recommendation of Judge Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
  - (2) Petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Dkt. No. 6) is DISMISSED.
  - (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 6<sup>th</sup> day of December, 2005.

Joh C Coyle

John C. Coughenour

## United States District Judge

## ORDER DISMISSING § 2255 MOTION